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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/614,250	07/08/2003	Kip Kilburn		6044				
7590 Robert T. Spaulding 550 Elinor Dr. Fullerton, CA 92835	08/21/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">SPISICH, GEORGE D</td></tr></table>		EXAMINER		SPISICH, GEORGE D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/614,250

Applicant(s)

KILBURN ET AL.

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/8/03</u> .                                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Invention 1 (steering/suspension spindle connection) and the Species of Figure 1 in the reply filed on July 31, 2007 is acknowledged.

Examiner states that only claims 1 and 4 read on the elected Figure 1. In claim 2, lines 11-12, the limitation that "a bolt passes through the upper and lower tapered inserts" is not shown in Figure 1, and only shown in non-elected Figure 2.

Therefore, claims 1 and 4 have been examined in this Office Action and claim 2 has been withdrawn.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Applicant/Inventor Roger Winiger (stated as such on Power of Attorney) has not properly executed the oath. No complete information and signature is present for Roger Winiger on the oath of 7/8/03.

A properly executed oath is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the arrangement of the spindles and the tapered inserts and how this arrangement would "enhance vertical and horizontal travel of the suspension system" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Furthermore, Figure 2 is not shown so as to clearly indicate that the bolt passes through the insert since the lower end of the lower insert appears to be narrower than the bolt that would pass through the insert.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is not clear how the suspension would be arranged with the spindle and "enhance vertical and horizontal travel".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 and 4, line 1, the term "conventional" is inherently unclear.

In claim 1 and 4, line 7, the term "Hime" is unclear. A particular named joint is unclear and the joint should be referred to by the structural features/elements of the joint.

Claims 1 and 4 are unclear since they are written as product claims with method (of conversion) steps. Any method steps of conversion are not given patentable weight in a product claim.

Claims 1 and 4 are unclear since it is not clear how the complete suspension with inserts would be arranged with the spindles and it is not clear how this arrangement would "enhance" vertical and horizontal travel of the suspension system.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Moskovitz (USPN 2,936,188).

Examiner states that the method steps of converting a "conventional" suspension/steering spindle connection is not given patentable weight in a product claim. Examiner has addressed the structural limitations of the "improved" joint. Any

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improvement in vertical and horizontal travel would be relative and comparable to Applicant's improved suspension/steering connection.

Moskovitz shows an upper and lower suspension arm that broadly includes an annular socket for housing a freely movable "ball shaped" member. The structure Examiner is showing relates to the upper spindle connection. The same connection exists in the lower spindle connection. The connection of the ball socket is via a fastening means (nut) to secure the upper tapered insert (25') and the lower tapered inserted (the lower tapered portion of the bolt 24). Tapered portions of the spindle (2) engaged the tapered portion of the lower insert. As best as Examiner understands Applicant's claimed invention, the connection of Moskovitz would likewise "enhance" vertical and horizontal travel of the suspension system.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matczak et al. (USPN 5,069,571), McRae (USPN 2,779,603), Chow (USPN 3,411,300), Ludwig et al. (USPN 4,768,895), Steele (USPN 2,886,341), Wagner (USPN 2,971,770), Moskovitz et al. (USPN 2,977,131), Pierce (USPN 3,240,509), Pfaar (USPN 3,441,299), Booth et al. (USPN 2,605,118), Budzynski (USPN 3,279,834), Sampatacos (USPN 3,749,415), Stroh et al. (USPN 5,975,547), Bartowiak (USPN 3,563,564), Barry (USPN 6,851,688), Gair (USPN 4,154,544), Johnson (USPN 4,243,192), Easton (USPN 4,491,436), Fuchs (USPN 5,624,198), Schittl et al. (USPN 6,361,238).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
August 20, 2007



RUTH ILAN  
PRIMARY EXAMINER



8/20/07